

UNIFORM LAW COMMISSION

New Acts 2018: Short Summaries

Uniform Criminal Records Accuracy Act

The Uniform Criminal Records Accuracy Act is designed to improve the accuracy of criminal history records, commonly called a rap sheet, that are frequently used in determining the eligibility of a person for employment, housing, credit, and licensing, in addition to law enforcement purposes. The act imposes duties on governmental law enforcement agencies and courts that collect, store and use criminal history records, to ensure the accuracy of the information contained in the rap sheet. The act provides individuals the right to see and correct errors in their rap sheet. Through use of a mistaken identity prevention registry, the act also provides a mechanism by which an individual whose name is similar to and confused with a person who is the subject of criminal-history-record information, a means to minimize the possibility of a false arrest or denial of housing, employment, credit, or other opportunities.

Uniform Civil Remedies for Unauthorized Disclosure of Intimate Images Act

The Uniform Civil Remedies for Unauthorized Disclosure of Intimate Images Act addresses an increasingly common form of abuse that causes immediate, and in many cases, irreversible harm. The act creates a cause of action for unauthorized disclosure of private, intimate images. The act also outlines procedures enabling victims to protect their identity in court proceedings. In addition, the act provides various remedies for victims, including actual damages, statutory damages, punitive damages, and attorney's fees.

Uniform Fiduciary Income and Principal Act

The Uniform Fiduciary Income and Principal Act is an updated version of the Uniform Principal and Income Act, which has been adopted in 47 jurisdictions. It provides a set of modern accounting standards for fiduciaries to allocate receipts and disbursements of a trust or estate between principal and income, and to adjust those allocations as appropriate. This latest version of the act includes innovative and flexible rules on the conversion of an existing trust to a unitrust, which were omitted from the last major revision approved in 1997 but have since proved to be popular. It also adds a useful section on governing law.

Revised Uniform Law on Notarial Acts (2018)

The Revised Uniform Law on Notarial Acts (2018) is designed to modernize and clarify the law governing notaries public, their responsibilities and duties, and to provide a stable infrastructure for the performance of notarial acts with respect to electronic records. In particular, the revised act recognizes the ascendancy of electronic commerce and transactions in the public and private sectors, and brings the law governing electronic notarial acts on par with laws governing other forms of electronic transactions. The act was amended in 2018 to authorize notaries public to perform notarial acts in the state in which they are commissioned for remotely located individuals using audio-visual communication and identity-proofing technology regardless of where the individual may be located.

Uniform Nonparent Custody and Visitation Act (2018)

The Uniform Nonparent Custody and Visitation Act addresses the rights of third parties other than parents to custody of or visitation with a child. Those rights are also affected by the decision of the United States Supreme Court in *Troxel v. Granville*, 530 U.S. 57 (2000), which held that courts must give deference to decisions of fit parents concerning the raising of children, including concerning grandparents' visitation rights. The Act recognizes a right to seek custody or visitation for two categories of individuals: (1) nonparents who have served as consistent caretakers of a child without expectation of compensation, and (2) other nonparents who have a substantial relationship with a child and who demonstrate that denial of custody or visitation would result in harm to the child.

Uniform Supplemental Commercial Law for the Uniform Regulation of Virtual-Currency Businesses Act (2018)

This act is designed to address the commercial law rights of virtual-currency businesses that have control over their customers' virtual currency and their customers providing to those businesses and customers duties and rights comparable to those enjoyed by customers of securities intermediaries under Article 8, Part 5 of the Uniform Commercial Code. Other goals of the act include enhancing the "negotiability" of virtual currency when transferred or exchanged and enabling owners of virtual currency assets to use their virtual currency as collateral under Article 9 of the Uniform Commercial Code. The act is a companion to the Uniform Regulation of Virtual-Currency Businesses Act, which was promulgated by the ULC in 2017.